

Senate File 2367

H-8491

Amend Senate File 2367, as amended, passed, and reprinted by the Senate, as follows:

1. Page 26, after line 17 by inserting:

<DIVISION

PARI-MUTUEL DOG RACETRACKS

Sec. ____ . **NEW SECTION. 99D.9A Alternative dog racetrack licensure — annual fee.**

1. A licensee authorized to operate a pari-mutuel dog racetrack and to conduct gambling games pursuant to section 99F.6 as of January 1, 2010, may, upon written notification to the commission and agreement to pay the annual alternative dog racetrack licensure fee to the commission as provided in this section, discontinue scheduling performances of live dog races at the racetrack and maintain a license under this chapter for purposes of permitting pari-mutuel wagering on simultaneously telecast dog races.

2. For purposes of this section, the annual alternative dog racetrack licensure fee shall be determined and paid as follows:

a. For the pari-mutuel dog racetrack located in Dubuque county, the payment of three million dollars each January commencing January 2011.

b. For the pari-mutuel dog racetrack located in Pottawattamie county, the payment of seven million dollars each January commencing January 2011.

3. The annual alternative dog racetrack licensure fee shall be paid to the commission for deposit in the general fund of the state.

Sec. ____ . Section 99D.11, subsection 6, paragraph b, Code Supplement 2009, is amended to read as follows:

b. (1) The commission may authorize the licensee to simultaneously telecast within the racetrack enclosure, for the purpose of pari-mutuel wagering, a horse or dog race licensed by the racing authority of another state. It is the responsibility of each licensee to obtain the consent of appropriate racing officials in other states as required by the federal Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to televise races for the purpose of conducting pari-mutuel wagering.

(2) A licensee may also obtain the permission of a person licensed by the commission to conduct horse or dog races in this state to televise races conducted by that person for the purpose of conducting pari-mutuel racing. However, arrangements made by a licensee to televise any race for the purpose of conducting pari-mutuel wagering are subject to the approval of the commission, and the commission shall select the races to be televised. The races selected by the

1 commission shall be the same for all licensees approved
2 by the commission to televise races for the purpose of
3 conducting pari-mutuel wagering. The commission shall
4 not authorize the simultaneous telecast or televising
5 of and a licensee shall not simultaneously telecast
6 or televise any horse or dog race for the purpose of
7 conducting pari-mutuel wagering unless the simultaneous
8 telecast or televising is done at the racetrack of a
9 licensee that schedules no less than sixty performances
10 of nine live races each day of the season or that is
11 not obligated to schedule performances of live races
12 pursuant to section 99D.9A.

13 (3) For purposes of the taxes imposed under this
14 chapter, races televised by a licensee for purposes
15 of pari-mutuel wagering shall be treated as if the
16 races were held at the racetrack of the licensee.
17 Notwithstanding any contrary provision in this chapter,
18 the commission may allow a licensee to adopt the same
19 deductions as those of the pari-mutuel racetrack from
20 which the races are being simultaneously telecast.

21 Sec. _____. Section 99F.6, subsection 4, paragraph b,
22 Code 2009, is amended to read as follows:

23 b. The commission shall authorize the licensees
24 of pari-mutuel dog racetracks located in Dubuque
25 county and Black Hawk county to conduct gambling
26 games as provided in section 99F.4A if the licensees
27 schedule at least one hundred thirty performances
28 of twelve live races each day during a season of
29 twenty-five weeks. For the pari-mutuel dog racetrack
30 located in Pottawattamie county, the commission shall
31 authorize the licensee to conduct gambling games as
32 provided in section 99F.4A if the licensee schedules
33 at least two hundred ninety performances of twelve
34 live races each day during a season of fifty weeks.
35 The commission shall approve an annual contract to be
36 negotiated between the annual recipient of the dog
37 racing promotion fund and each dog racetrack licensee
38 to specify the percentage or amount of gambling game
39 proceeds which shall be dedicated to supplement the
40 purses of live dog races. The parties shall agree
41 to a negotiation timetable to insure no interruption
42 of business activity. If the parties fail to agree,
43 the commission shall impose a timetable. If the
44 two parties cannot reach agreement, each party shall
45 select a representative and the two representatives
46 shall select a third person to assist in negotiating
47 an agreement. The two representatives may select the
48 commission or one of its members to serve as the third
49 party. Alternately, each party shall submit the name
50 of the proposed third person to the commission who

1 shall then select one of the two persons to serve as
2 the third party. All parties to the negotiations,
3 including the commission, shall consider that the dog
4 racetracks were built to facilitate the development
5 and promotion of Iowa greyhound racing dogs in this
6 state and shall negotiate and decide accordingly.
7 However, the requirement to schedule performances of
8 live races for purposes of conducting gambling games
9 under this chapter shall not apply to a licensee who is
10 not obligated to schedule performances of live races
11 pursuant to section 99D.9A.

12 Sec. _____. IOWA GREYHOUND OWNERS AND KENNELS
13 RETIREMENT FUND.

14 1. A greyhound owners and kennels retirement fund
15 is created in the state treasury under the control of
16 the racing and gaming commission.

17 2. The fund shall consist of all of the following:

18 a. Moneys in the dog racing promotion fund created
19 in section 99D.12 and the Iowa horse and dog breeders
20 fund created in section 99D.22, that were deposited
21 in those funds from a dog racetrack licensee that
22 discontinues scheduling performances of live dog races
23 pursuant to section 99D.9A.

24 b. Moneys credited to the fund from a dog racetrack
25 licensee that discontinues scheduling performances of
26 live dog races pursuant to section 99D.9A representing
27 the remaining balance of all dog purse supplement
28 payments owed by the licensee pursuant to an agreement
29 approved by the commission.

30 3. Moneys in the fund shall be disbursed by the
31 racing and gaming commission to registered Iowa
32 greyhound owners and registered Iowa kennels in an
33 expeditious and equitable manner as determined by the
34 racing and gaming commission.

35 4. Section 8.33 does not apply to any moneys in the
36 fund. Notwithstanding section 12C.7, subsection 2,
37 interest or earnings on moneys deposited in the fund
38 shall be credited to the fund.

39 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
40 of this Act, being deemed of immediate importance,
41 takes effect upon enactment.>

42 2. By renumbering as necessary.

MASCHER of Johnson

ABDUL-SAMAD of Polk